






INDIANA
WORKFORCE
DEVELOPMENT
AND ITS **WorkOne** CENTERS

TO: All Indiana Department of Workforce Development Employees

FROM: Teresa L. Voors 
Commissioner, Indiana Department of Workforce Development

THROUGH: Martin E. Morrow, Chief Operating Officer 

THROUGH: Dale Wengler 
Deputy Commissioner, Policy & Field Operations

DATE: August 22, 2008

SUBJECT: DWD Policy 2008-05
Leave Policy for Indiana Department of Workforce Development State Employees

Purpose

To establish a consistent policy for managing the operations of the Department and to provide guidance to all Formal and Functional supervisors regarding leave requests made by State merit and non-merit staff in the Administrative and WorkOne offices

Rescission

DWD Communication 2000-18, Leave Policy, issued December 22, 2000

Content

The Indiana Department of Workforce Development (DWD) will follow Indiana State Personnel Department Leave Policies in the administration of leave for all State merit and non-merit employees. This policy transmits the proper use of DWD employee leave for Community Service, Emergency Conditions, Family-Medical, Funeral, Military Leave/ Military & Family, Parental Absence for Child's Education, Personal, Sick and Vacation Leaves.

Employee and Supervisor Responsibilities

Indiana Department of Workforce Development employees are responsible for knowing the amount of their leave balances, and complying with all requirements for securing leave. An employee who fails to comply with the requirements of this policy may be subject to loss of pay, a designation of being on unauthorized leave, and discipline.

Formal supervisors are responsible for implementing this policy in an appropriate and consistent manner by developing and/or distributing procedures for their State merit and non-merit employees to follow in order to secure leave. This includes identifying persons to be notified with requests for leave and any required notification procedures or forms, and taking appropriate actions, including discipline, when an employee fails to abide by the requirements of this policy.

All Formal supervisors shall coordinate with Functional supervisors regarding all requests for leave. Care shall be exercised to ensure that WorkOne staffing needs are considered prior to the authorization of any leave.

A Formal supervisor's signature on the appropriate request for leave documentation validates that the supervisor has acknowledged that it is operationally permissible for the employee to take the requested leave. However, this acknowledgement does not shield the employee from progressive discipline if it is discovered after leave is taken that the leave was not accrued.

Community Service Leave

Please refer to the Indiana State Personnel Department's Standardized Policy on *Community Service Leave Policy Statement and Responsibilities and Procedures* at <http://www.in.gov/spd/2396.htm>

Emergency Conditions Leave

Please refer to the Indiana State Personnel Department's Standardized Policy on *Emergency Conditions Leave Policy Statement and Responsibilities and Procedures* at <http://www.in.gov/spd/2396.htm>.

Family-Medical Leave (FML)

The State of Indiana allows eligible State merit and non-merit employees to take up to twelve work weeks of leave per fiscal year for the following qualifying events: the birth of a child; placement with an employee of a child for adoption or foster care; caring for a spouse, child, or parent with a serious health condition; or, the serious health condition of the employee.

Employee Eligibility

State employees who have

- (1) been employed in an agency under the executive authority of the Governor for at least twelve (12) months (consecutive or non-consecutive); and
- (2) who have worked at least 1250 hours in the twelve-month period immediately preceding the need for family-medical leave, are eligible for family-medical leave (FML).

Notice to Employee

DWD Human Resources (HR) shall at a minimum notify a State employee of her/his Family-Medical Leave rights (1) orally within two days of their agency counting the leave as Family-Medical Leave; and, (2) in writing by the payday following the date leave is designated as Family-Medical Leave. If the following payday is less than one week from the date leave is designated as Family-Medical Leave, the Indiana Department of Workforce Development's Human Resources shall provide written notice to the employee by the next payday. DWD HR shall provide notification to the employee's Formal supervisor as well. The Formal supervisor shall provide notification to the Functional supervisor as appropriate.

Intermittent Use of Family-Medical Leave

State employees are entitled to take intermittent leave for the employee's serious health condition or due to the serious health condition of a parent, spouse, or child. To be entitled to intermittent leave, the employee must submit certification to establish the medical necessity of the leave (e.g., periodic testing and treatments). In reviewing the request, DWD HR shall determine whether or not an acceptable leave schedule can be arranged and may consider a temporary transfer to an alternative, comparable position. DWD HR shall coordinate this determination with both Formal and Functional supervisors as applicable.

DWD HR may require State employees to provide recertification of the medical necessity for intermittent leave no more than once every thirty (30) days in conjunction with an employee's absence unless the employee requests an extension of the leave; circumstances described by the previous certification have changed significantly (e.g., the duration of the illness, the nature of the illness, complications); or, the agency receives information that casts doubt upon the continuing validity of the certification.

The Department may grant State employees intermittent leave for the birth or placement of a child if operational needs allow such intermittent leave.

Medical Certification

In addition to the certification required with a request for leave that qualifies as a serious health condition, the Department may require a second opinion from a second health care provider designated and paid for by the Department. If the first and second opinions conflict, the Department may require the employee to submit to a third examination at the Department's expense by a health care provider chosen jointly by the State employee and the Department. In choosing the third health care provider, both the State employee and the Department must be reasonable and act in good faith. The opinion of the third health care provider is final and binding.

The Department is required to continue paying the employer's portion of health insurance premiums during approved FML. State employees are required to continue paying the employee's portion of health insurance premiums. Information on how health insurance premiums are to be paid while on FML may be obtained from DWD HR. State employees shall be given a thirty-day grace period from the due date of their health insurance premium. State employees who fail to pay their portion of the health insurance premium within this grace period may, with fifteen days notice from their Department, be removed from their respective health insurance plan. If an employee chooses not to continue health care coverage during FML, the employee will be entitled to reinstatement into the benefit plan upon return to work.

The Department may seek reimbursement for any health insurance premiums paid on behalf of the State employee if the employee fails to return to work from FML unless the reason for the employee failing to return to work is due to the continuation or recurrence of the serious health condition or is otherwise beyond the employee's control as defined in the FMLA.

State employees who are reinstated will not lose any service credit and FML will be treated as continuous service for the purpose of calculating any benefits which are based on length of service. Employees are entitled to reinstatement to the same or similar position upon return from FML. If the same job is not available, the agency will determine in which similar position the employee should be placed, making sure the position has equivalent pay, benefits, and conditions of employment.

State employees who take leave due to their own serious health condition may be required to provide certification from a health care provider that they are able to perform the essential functions of their position.

Definitions of Terms Used with Family-Medical Leave

"1250 hours" of work means actual work hours and does not include holidays, time spent in paid or unpaid leave, vacation leave, sick leave, or personal leave, compensatory time off, time spent receiving benefits under the State's Long/Short Term Disability Program or time during the elimination period prior to receiving benefits under the Disability Program (Source: 29 CFR 825.110(a), (c), and (d)). In determining whether a veteran meets this requirement, the hours that were actually worked for the state should be combined with the hours that would have been worked during the twelve months prior to the start of family-medical leave but for the military service.

"Aggregate twelve (12) months service" means consecutive or non-consecutive employment in agency(s) subject to the executive authority of the Governor for a combined total of twelve (12) months (Source: 29 CFR 825.110(a), (b), and (d)). In determining whether a veteran meets this requirement, the months employed by the State should be combined with the months that would have been worked but for the military service.

"Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom the employee has day-to-day responsibility for care and financial support, who is either under age 18 or age 18 or older and "incapable of self-care because of a mental or physical disability."

"Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three or more of the "activities of daily living" or "instrumental activities of daily living." Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, or using a post office.

"Physical or mental disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. (Regulations at 29 CFR Sec. 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., define these terms.)

"Documentation for purposes of confirming family relationship" means the employer may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, or a court document. The employer is entitled to examine documentation such as a birth certificate, but the employee is entitled to the return of the official document submitted for this purpose.

"Documentation for a serious health condition" means a completed Certification of Health Care Provider form or other document containing sufficient information to determine whether a serious health condition exists.

"Employee" and **"State employee"** means, for the purposes of this policy, a person who has been employed in agency(s) subject to the executive authority of the Governor for an aggregate twelve (12) months service and who have performed at least 1250 hours of work in such agency(s) during the twelve (12)-month period immediately preceding the need for family-medical leave. These terms are used interchangeably throughout this document.

“Employer” means the appointing authority or designee of the agency employing the employee at the time leave under this policy is taken.

“Fiscal Year” means the twelve-month period beginning July 1 and ending June 30.

“Health Care Provider” means one of the following persons who may complete a Certification for Health Care Provider form and certify a serious health condition for an employee, or the spouse, child, or parent of an employee:

- doctors of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices;
- podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice under State law;
- nurse practitioners, nurse-midwives, and clinical social workers authorized to practice under State law and performing within the scope of their practice as defined under State law;
- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts;
- any health care provider recognized by the employer or the employer's group health plan's benefit manager; and
- a health care provider listed above who practices in a country other than the United States and who is authorized to practice under the laws of that country.

“Parent” means a biological, adoptive, or foster parent or an individual who had day-to-day responsibility for care and support of the employee when the employee was a child as defined below. In-laws do not qualify.

“Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Hospital Care: Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
- Absence Plus Treatment: A period of incapacity of more than three consecutive calendar days that also involves treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
- Pregnancy: Any period of incapacity due to pregnancy, or for prenatal care.
- Chronic Conditions Requiring Treatments. A chronic condition which: (a) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; (b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and, (c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy).

- **Permanent/Long-term Conditions Requiring Supervision:** A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- **Multiple Treatments (Non-Chronic Conditions):** Any absences to receive multiple treatments for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive days if not treated, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

Non-eligible medical conditions include (but are not limited to): taking over-the-counter medications, bed-rest, drinking plenty of fluids, or any similar activities that can be initiated without a visit to a health care provider unless something more serious is involved. The common cold, flu, earaches, upset stomach, minor ulcers, headaches, routine dental problems, and periodontal diseases are conditions that do not qualify for family-medical leave. Cosmetic treatments and plastic surgery are not serious health conditions unless inpatient hospital care is required or complications develop.

Family-medical leave may not be used for short-term conditions for which treatment and recovery are brief, such as minor illnesses and out-patient surgical procedures with expected brief recuperating periods. It does not provide for the intermittent care of a child for such commonplace illnesses as colds and flu.

For intermittent leave or leave on a reduced schedule, there must be a medical necessity for leave (as distinguished from voluntary treatments and procedures) and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition must meet the requirement for certification of the medical necessity of intermittent leave or leave on a reduced schedule. Employees needing intermittent leave or a reduced schedule must attempt to schedule their leave so as not to disrupt the employer's operations. In addition, an employer may assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent leave or reduced schedule.

"Spouse" means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides. Most State employees reside in Indiana or the surrounding states where neither common law nor same sex marriages are recognized.

The employee is responsible for: requesting FML only for appropriate uses; knowing the amount of his/her FML balance; providing sufficient information for a determination whether an absence qualifies for FML; using the minimum FML required for each qualifying event; scheduling appointments outside work hours whenever possible and, where not possible, scheduling appointments to cause the least disruption to operations; and, complying with all requirements for securing FML including advance notice and documentation requirements.

DWD Employee Procedure for Requesting Family-Medical Leave & Certification of Absences

Indiana Department of Workforce Development employees who need to be absent from work must follow the following procedures concerning notice and certification of absences for FML.

If the need is foreseeable, a Request for Family-Medical Leave form (available on the DWITE webpage under Human Resources Employee Information) must be submitted to DWD Human Resources at least thirty days prior to taking the leave. A copy shall be provided to the Formal and Functional supervisors as applicable. If the need is not foreseeable, requests may be oral, but written notice should follow as soon as practicable. Such requests shall be made to the Formal supervisor who will be responsible for ensuring that the Functional supervisor and DWD HR are notified. This is usually within two (2) business days of the employee learning of the need for an absence. Failure to follow these guidelines could delay the start of family-medical leave.

If the absence is for the State employee's own serious health condition or because s/he is needed to provide care for her/his spouse, child, or parent with a serious health condition, s/he must submit a completed Certification of Health Care Provider for Leave Request. The certification should be provided with the Request for Family-Medical Leave whenever possible and no later than fifteen (15) calendar days after submitting the Request for Family-Medical Leave form. There are two different certification forms depending on the type of request. One is the *Certification of Health Care Provider for Leave Request because of Employee's Own Serious Health Conditions* and the other is the *Certification of Health Care Provider for Leave Request because of the Serious Health Condition of Employee's Spouse, Child or Parent*. Both forms are available on DWITE.

Leave requested for birth, adoption, or foster care placement must be taken within one (1) year of the birth or placement. Documentation of the birth, adoption, or foster care relationship for which the leave is requested must be submitted with the Request for Family-Medical Leave form.

When planning medical treatment, the State employee must consult with the Formal and Functional supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the Department's operations, subject to the approval of the health care provider. The employee shall also consult with DWD HR to determine a periodic check-in schedule, report a change in circumstances, make return to work arrangements, etc.

Use of Paid Leave

Whether Family-Medical Leave is paid, unpaid, or a combination, the State employee is entitled to only twelve (12) weeks in each fiscal year (July 1 through June 30). Leave may be taken in increments no less than fifteen (15) minutes. State employees shall be required to use any available sick leave if the Family-Medical Leave is for the serious health condition of the employee, spouse, child, or parent who resides in the employee's household and is dependent upon the employee for care and support.

Family-Medical Leave runs concurrently with the elimination and benefit periods of the State's Long/Short Term Disability Program and may run concurrently with Workers' Compensation if the absence qualifies for both programs.

Family-Medical Leave runs concurrently with a workers' compensation absence when the injury is one that meets the criteria for a serious health condition. As the workers' compensation absence is not unpaid leave, the provision for substitution of the employee's accrued paid leave is not applicable. However, if the health care provider treating the employee for the workers' compensation injury certifies the employee is able to return to a "light duty job" but is unable to return to the same or equivalent job, the employee may decline the employer's offer of a "light duty job." As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FML until the twelve (12)-week entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and the employer requires the use of accrued paid sick leave. The employee may choose to use other accrued paid leave upon the exhaustion of his/her sick leave balance.

Family-medical leave runs concurrently with the elimination and benefits periods under the State's Long/Short Term Disability Program. Should an employee exhaust the twelve (12)-week entitlement to Family-Medical Leave and subsequently remain eligible for benefits under the Disability Program for more than twelve (12) months, a subsequent written notice should be sent to the employee that Family-Medical Leave is being charged concurrently again until the entitlement runs out or the employee returns to work, whichever occurs first.

The employee is responsible for notifying the Formal and Functional supervisors and DWD Human Resources of his/her intent to return, or not to return, to work. If the employee intends to return to work earlier than originally planned, the employee must provide reasonable notice (usually two (2) business days) to the Formal and Functional supervisors and DWD Human Resources in order to arrange an early return to work.

Also refer to the *Indiana Personnel Department's Amendment to State's Family – Medical Leave Policy/Responsibilities & Procedures* dated February 28, 2008 regarding care for a covered service member at <http://www.in.gov/spd/2397.htm>.

Funeral Leave

State employees' requests for up to three (3) days of paid leave under the provisions of this policy shall be honored by management. Such days shall be in conjunction with the time of the death or date of the funeral.

Funeral leave covers the death of a husband, wife, father, mother, son, daughter, brother, sister, grandparent, grandchild, or spouse of any of these, or a person living in the same household with employee. For a married employee, these members of the spouse's family are included.

A request for funeral leave shall be submitted to the Formal and Functional supervisor within fifteen (15) minutes from the start of shift or sooner, if possible. For employees in seven (7)-day, twenty-four (24) hour operations, notice shall be required one (1)-hour prior to the start of the shift.

Funeral leave in conjunction with the date of the death or date of the funeral applies to the next three (3) scheduled workdays in the following manner:

- the approved leave shall be equal to the length of each of those scheduled work days; and,
- funeral leave is not charged on non-scheduled days. For example, an employee scheduled to work Monday through Friday who requested funeral leave to begin on a Friday would be eligible for funeral leave on Friday, Monday, Tuesday as those are the next three scheduled work days; however,
- employees who return to work prior to the passage of the next three (3) scheduled work days forfeit the remainder of that unused funeral leave.

State employees on disability are not eligible to supplement disability benefits with paid funeral leave. Nor are employees on continuing unpaid leave eligible to interrupt such continuing unpaid leave with paid funeral leave.

Management reserves the right to require documentation (statement from funeral home or obituary indicating name of deceased, location of funeral, date of death, and date of funeral) to verify the authenticity of request when there is a legitimate reason to compel such verification.

Military Leave/Military & Family Leave

Please refer to Indiana State Personnel Department's Standardized Policy on *Military Leave* and *Military & Family Leave Policies* at <http://www.in.gov/spd/2396.htm>

Parental Absence For Child's Education Leave

The Department's appointing authority or his/her designee shall make reasonable efforts to approve State employee requests for time off to foster involvement in their child's education through participation in parent-teacher conferences, classroom activities, or other means. In addition to parent-teacher conferences and classroom activities, other means of educational involvement may include attendance on school field trips for educational or instructional purposes, but will not include attendance at sporting events, whether or not sponsored by a school.

Such time off shall be accomplished through the use of adjusted work schedules to accommodate the time needed. State employees must request a schedule adjustment, compensatory time off, or accrued leave with as much advance notice as possible. These requests shall be made to the Formal and Functional supervisors. In those situations where an adjusted work schedule is not practical, such as twenty-four hour/seven-day operations, appropriate forms of accrued leave should be utilized. Requests for schedule adjustments or leave under this policy shall not be unreasonably denied.

Personal Leave

State employees should have reasonable opportunities for time away from work without loss of pay to handle personal business and emergencies.

All eligible full-time employees shall be granted accumulated personal leave upon request, subject to compliance with proper notice requirements. Such notice requirements shall be waived upon receipt of documentation that an emergency situation existed. Employees are encouraged to offer Formal and Functional supervisors more than the required notice whenever possible. Employees shall notify the Formal and Functional supervisor within fifteen (15) minutes prior to the start of shift or assigned work hours. For State employees in seven (7) day, twenty-four (24) hour operations, notice shall be required one (1) hour prior to start of shift or assigned work hours.

Personal leave may be charged in increments of no less than fifteen (15) minutes.

The Department and its management reserve the right to deny such requests in the following circumstances:

1. An inordinate number of requests are received for the same day, such as immediately before, on or after a holiday.
2. Proper notice requirement has not been met.
3. An emergency exists within the agency/institution which requires the presence of the employee. Normal workloads or staffing shortages shall not constitute an emergency for purposes of this policy.
4. Request is for personal leave of less than one whole day without prior approval.
5. Employee had previously requested leave for that time and been denied.

Personal leave may not be charged on a legal holiday, unless such usage is chosen by the employee to meet her/his regularly assigned work schedule of more than seven-and-one-half (7.5) hours on the date the holiday is observed.

Accrual of Personal Leave

Full-time State employees shall accrue seven and one-half (7.5) hours of personal leave for each four (4) months of employment. No employee may accrue a personal leave balance in excess of twenty-two and one half (22.5) hours. If an employee is otherwise eligible to accrue personal leave, but the accrual thereof would increase his/her account balance beyond that limit, the personal leave hours shall be credited to the employees' accrued sick leave balance.

Sick Leave

All eligible State employees may use accumulated sick leave for an illness, injury, legal quarantine or visits to a licensed health care provider for themselves or a member of the employee's immediate family (i.e., spouse, child, parent, or other person who resides with and is dependent upon the employee for care and support) which necessitates the employee's absence from work. The use of said leave is contingent upon availability, proper notice, and verification by a licensed health care provider when requested.

A request for sick leave must be submitted to the Formal supervisor within fifteen (15) minutes prior to the start of shift or assigned work hours. The Formal supervisor shall be responsible for providing notice to the Functional supervisor as soon as reasonably possible. For employees in seven (7) day, twenty-four (24) hour operations, notice shall be required one (1) hour prior to start of shift or assigned work hours.

Sick leave may be charged in increments of no less than fifteen (15) minutes.

Sick leave may not be charged on the date a legal holiday is observed.

State employees may be asked to submit a statement from a licensed health care provider to verify fitness to work or legitimacy of leave request in the following circumstances. If required, such statement must state the period of incapacity as determined by an examination and the employee's fitness for duty at the conclusion of the period of incapacity.

1. Employee is off work for three (3) or more consecutive days.
2. Employee has demonstrated unacceptable attendance record.
3. Employee has demonstrated behavior which might indicate that a fitness problem may exist.
4. The request is made in conjunction with the Family and Medical Leave Policy.

Requests for sick leave may be denied in the following circumstances:

- Employee has previously requested vacation, personal leave or compensatory time for date in question.
- Request for sick leave is thought to be in concert with a job action or other form of work stoppage.

As a condition of authorizing paid sick leave, the Department, and its management, reserves the right to require examination by a designated health care provider. An employee submitting verification of disability shall be granted, upon request, any available compensatory time or accrued sick, vacation, personal, or special sick leave to cover any absence during the elimination period prior to meeting the qualifications for disability benefits. Absence during the elimination period will also be charged concurrently to family-medical leave whether or not accrued leave is used.

State employees using Family and Medical Leave are required to concurrently use all available sick leave prior to receiving leave without pay, where reason for absence is a reason that qualifies for sick leave use.

Accrual of Sick Leave

Full-time State employees shall accrue seven and one-half (7.5) hours of sick leave for each two (2) months of employment and an additional seven and one-half (7.5) hours of sick leave for each four (4) months of employment.

"Special Sick Leave" is only for time off needed due to the employee's own illness or recuperation from injury, unlike regular sick leave which can also be used to care for a sick family member. Special Sick Leave can only be used after the employee has exhausted all other vacation, sick, and personal leave available. This leave is accrued on the basis of five (5) days of Special Sick Leave for each one (1) year of continuous full-time service immediately prior to July 1, 1989 and pro-rated for partial years of service. State employees wanting to use Special Sick Leave must have pre-approval from the Commissioner, or her/his appointing authority before using this leave.

Vacation Leave

Consistent with the operational needs of the Department and the Administrative and WorkOne offices, vacation leave shall be granted at such times during the year as requested by the State employee.

Requests for vacation leave shall be made by the employee to the Formal supervisor no later than the close of the employee's shift or assigned work hours on the day before the requested vacation leave is to be taken. The Formal supervisor shall notify and coordinate the leave request with the Functional supervisor prior to approving the request.

Vacation leave may be used in increments of fifteen (15) minutes.

State employees may use vacation leave to cover an absence under an appropriate family-medical leave situation without regard to the notice requirements for vacation leave.

Vacation leave may not be used to cover any period of time an employee is incarcerated; however, if the incarceration begins during a vacation leave that was pre-scheduled for other reasons, the approval will not be rescinded.

State employees shall be limited to four (4) calendar weeks of vacation at any one time. Vacation requests that are longer than four (4) calendar weeks require a recommendation from the Commissioner, or his/her appointing authority and the approval by the State Personnel Director.

Vacation leave may not be charged on a legal holiday unless such usage is chosen by the employee to meet his/her regularly assigned work schedule of more than seven-and-one-half (7.5) hours on the date the holiday is observed.

No vacation leave may be used or approved after a State employee's last day of work. Upon separation of employment, considering the employee leave in good standing, payment for unused vacation leave will be paid up to a maximum of two hundred and twenty-five (225) hours.

State employees eligible for, and having a balance of, Special Sick Leave may use vacation leave in order to comply with the requirement that all vacation, sick, and personal leave must be exhausted prior to using special sick leave. Special Sick Leave is available under the terms of 31 IAC 3-1-29 of the disability rules. Employees who have exhausted their balance of sick leave and seek to use vacation leave in progression toward use of available special sick leave, must either comply with the notice provisions above, or request vacation leave in conjunction with the disability program in accordance with the limitations in 31 IAC 3-1-29.

Accrual of Vacation Leave

No vacation shall accrue to full-time State employees during the first six (6) months of employment, but upon completion thereof, regular vacation leave shall be granted for time served during that period.

Full-time State employees who are eligible to earn vacation leave shall earn 7.5 hours of vacation leave with pay for each full month of employment.

State employees who have completed five (5) years or more of full-time employment shall accrue 22.5 additional hours of vacation leave with pay on their annual accrual date.

State employees who have completed ten (10) years or more of full-time employment shall accrue thirty-seven and one-half (37.5) additional hours of vacation leave with pay. In addition, employees will earn twenty-two and one-half (22.5) hours plus thirty-seven and one-half (37.5) for a total of sixty (60) hours annually on their accrual date.

State employees who have completed twenty (20) years or more of full-time employment shall accrue thirty-seven and one-half (37.5) additional hours of vacation leave with pay. Employees will earn additional twenty-two and one-half (22.5) plus thirty-seven and one-half (37.5) for a total of ninety-seven and one-half (97.5) hours annually on their accrual date.

Review Date

September 1, 2010

Ownership

DWD Human Resources
Indiana Department of Workforce Development
10 North Senate Avenue, Room SE 115
Indianapolis, Indiana 46204
Telephone: 317.232.7475
DWDHumanResources@dwd.IN.gov

Effective Date

Immediately

Action

Each Indiana Department of Workforce Development employee is responsible for adhering to this policy by requesting leave in accordance with the established procedures explained for each type of leave. Formal supervisors are required to comply with the requirements to provide notice and coordination with Functional supervisors as appropriate. Questions regarding this policy and its procedures should be directed to Human Resources at 317.232.7475 or DWDHumanResources@dwd.in.gov